Patent
Attorney's Docket No. 1032326-000304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) **MAIL STOP AMENDMENT**
Remy Cricco et al.	) Group Art Unit: 2683
Application No.: 10/534,880	) Examiner: MICHAEL T VU
Filed: June 16, 2005	) Confirmation No.: 8760
For: LOADING AN APPLICATION TO BE DEPLOYED IN A TERMINAL AND A CHIP CARD	)

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

All pending claims were rejected under 35 U.S.C. § 103, on the grounds that they were considered to be unpatentable over the Minear et al. publication (US 2003/0032417) in view of the Qu et al. publication (US 2004/0076131). For the reasons presented below, it is respectfully submitted that these references do not suggest the claimed subject matter to a person of ordinary skill in the art, whether considered individually or in combination.

It is to be noted that the discussion of the rejection of claim 1 refers to "Ritter", which is one of the cited references. It is believed that this is simply a typographical error, and that the Examiner intended to refer to the Minear reference. The following discussion is based upon the assumption that the Examiner is referring to the Minear reference.

In rejecting claim 1, the Office Action states that the Minear reference teaches a method for loading, from a server, an application "including a first part intended for a terminal provided with an application management means and a second part intended for a chip card accepted in the terminal", with reference to element 16 of Figure 2 and paragraph 0023. It is respectfully submitted, however, that the Minear reference neither discloses, nor otherwise relates to, the downloading of a two-part application of the type recited in claim 1, in which one part is intended for a terminal and another part is intended for a chip card accepted in the terminal. Rather, the Minear reference only discloses the downloading of an application to a cellular telephone or similar type of device having wireless communication capabilities. In the context of the pending claims, the cellular telephone can be a form of terminal. Thus, the Minear publication discloses the downloading of an application having a part that is intended for the terminal itself.

The Minear publication does not, however, disclose that the cellular telephone accepts a chip card, let alone the downloading of an application for the chip card. As such, it cannot be interpreted to disclose the downloading of a two-part application, having one part intended for a terminal, and a second part intended for a chip card that is accepted in such a terminal.

The Qu reference, on the other hand, is directed to the downloading of data to a removable module of a cellular phone, such as a smart card. The Qu reference is representative of the prior art depicted in Figure 1 of the present application, in which data is downloaded to a smart card by means of a short message server (SMS). The particular problem addressed by the Qu reference is that fact that, when SMS messages are employed for this purpose, a separate point-to-point message must

be sent individually to each subscriber. The Qu publication discloses a broadcast technique for sending a common SMS message to multiple subscribers.

Thus, each of the two references only relates to the downloading of an application intended for one type of device. The Minear reference discloses the downloading of an application to a cellular telephone, but is silent as to applications executed on removable chip cards. The Qu publication only relates to the downloading of an application intended for a chip card, and does not discuss applications that are executed on the telephone itself. Thus, neither of the two references relates to the downloading of an application having a first part that is intended for a terminal and a second part intended for a chip card that is accepted in such a terminal.

Furthermore, even if one were to combine the teachings of these two references, the result would still not suggest the claimed subject matter to a person of ordinary skill in the art. Rather, it would be representative of the prior art depicted in Figure 1 of the present application. In other words, the two applications would be sent via separate paths, according to the respective disclosures of the two references. There is no teaching in either reference to combine the two applications that are respectively intended for the cellular telephone and the removable module into a single transmission. Thus, with reference to claim 1, there is no teaching of the steps of "constructing in the server an application message containing the first application part and the second formatted application part" and "transmitting the application message from the server to the terminal over a single transmission channel".

For at least this reason, therefore, it is respectfully submitted that the Minear and Qu references do not suggest the claimed subject matter to a person of ordinary skill in the art. Neither reference teaches the concept of combining both the first part of an application, which is intended for a terminal, and the second part of the application, which is intended for a chip card accepted in the terminal, into a single message that is transmitted to the terminal over a single transmission channel. As such, any possible combination of their disclosures would likewise not suggest such a concept.

Additional distinguishing features are recited in the various dependent claims. In view of the fundamental nature of the differences between the claimed subject matter and the disclosures of the references, as set forth above, a detailed discussion of these additional distinctions is believed to be unnecessary at this time.

Reconsideration and withdrawal of the rejection, and allowance of all pending claims, are respectfully requested.
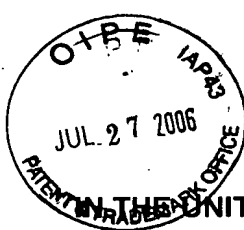
Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 27, 2006   By: _____

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#1027457-v1

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Remy Cricco et al.	) Group Art Unit: 2683
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Application No.: 10/534,880	) Examiner: MICHAEL T VU
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Filing Date: June 16, 2005	) Confirmation No.: 8760
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Title: LOADING AN APPLICATION TO BE	)
DEPLOYED IN A TERMINAL AND A	)
CHIP CARD	)
	)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is enclosed.

☐ _____ Terminal Disclaimer(s) and the ☐ $ 65 ☐ $ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.

☐ Also enclosed is/are: _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ $ 395 ☐ $ 790 fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments <u>not</u> be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____ on _____ for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____ , which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

☒   No additional claim fee is required.

☐   An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	10	20	0	x $ 50 (1202)	$ 0
Independent Claims	1	3	0	x $ 200 (1201)	0
☐ If Amendment adds multiple dependent claims, add $ 360 (1203)					$ 0
Total Claim Amendment Fee					$ 0
☐ Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					$ 0

☐   Charge _____ to Deposit Account No. 02-4800 for the fee due.

☐   A check in the amount of _____ is enclosed for the fee due.

☐   Charge_____ to credit card for the fee due. Form PTO-2038 is attached.

☒   The Director is hereby authorized to charge any appropriate fees under
37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and
to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted
in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL AND ROONEY PC

Date   July 27, 2006   By: _____

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